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1 record, Ali R. Iqbal, of PYATT SILVESTRI hereby submit the following Joint Discovery Plan
 2 and Scheduling Order (“Plan”). Deadlines that fall on a Saturday, Sunday, or legal holiday have
 3 been scheduled for the next judicial day.

4 *Special Review is being requested to extend normal discovery deadlines as the Plaintiffs
 5 continue to treat. The medical records are voluminous, and additional time will be needed to
 6 complete discovery.*

7 **Fed. R. Civ. P. 26(f) Conference**

8 Pursuant to F.R.C.P 26 (f), counsel for the parties conferred to develop a proposed
 9 discovery plan on November 19, 204. The conference was held by Srilata R. Shah, Esq. of PAUL
 10 PADDA LAW, PLLC., on behalf of the Plaintiffs OSMANYS ALVAREZ GARCIA and
 11 LEANDRO LAMBERT-LEVYA and Ali R. Iqbal, Esq. of PYATT SILVESTRI on behalf of
 12 Defendants, GO GREEN INDUSTRIES, INC. and ROLANDO TORRES, (“Defendants”)

13 **1. Pre-Discovery Disclosures**

14 Pursuant to F.R.C.P. 26 (a)(1), Plaintiffs served their initial disclosures on December 3,
 15 2024. Defendants served their initial disclosures on December 4, 2024.

16 **Areas of Discovery:**

17 The parties agree that the areas of discovery should include but not be limited to, all
 18 claims and defenses allowed pursuant to the Federal Rules of Civil Procedure. This matter
 19 involves personal injuries of two plaintiffs arising from a motor vehicle crash involving a
 20 commercial truck thus necessitates discovery to include in-depth written discovery responses,
 21 depositions of the two Plaintiffs and Defendants including corporate designee deposition(s). The
 22 medical records of the two claimants are voluminous and will require redaction and the creation
 23 of an appropriate privilege log. For the parties to adequately prepare their claims and defenses
 24 related to the allegations of negligence, negligence per se, negligent entrustment and negligent
 25 hiring, retention, training and supervision, all the appropriate documents must be disclosed,
 26 reviewed, and sent to various experts. Plaintiffs will request various corporate documents that
 27 28

1 will have to be internally identified and properly redacted prior to production. Typically,
 2 production of internal confidential and proprietary claims documents can include documents in
 3 thousands of pages. This portion of the file alone is anticipated to take several months.

4 Both parties seek to identify and retain expert witnesses in preparation for the trial in this
 5 matter. Given that the expert disclosure dates are fast approaching given the standard schedule,
 6 both parties anticipate that there may be a request for additional time. Application for any
 7 extensions of time will be made in compliance with the Federal Rules of Civil Procedure.

8 **2. Discovery plan:**

9 a. Defendants filed a notice of removal on October 16, 2024. The proposed last day
 10 of discovery shall be **August 19, 2025**.

11 b. **Amending the pleadings and adding parties parentheses LR 26-1 (b) (2):**

12 The parties shall have until **May 21, 2025**, to file any motion to amend the
 13 pleadings or to add parties. This is 90 days before the proposed Discovery cut off.

14 c. **Fed. R. Civ. P. 26(a) (2) Disclosures (Experts) (LR 26-1 (b) (3):**

15 Initial expert disclosures shall be made on **June 20, 2025**, which is 60 days before
 16 the proposed Discovery cut off; and the disclosure of rebuttal especially occur on
 17 July 21, 2025, which is 30 days after the initial disclosure of experts.

18 d. **Dispositive Motions:**

19 The date for filing dispositive motions shall not be later than **September 18, 2025**,
 20 30 days after the proposed discovery cutoff date. In the event that the
 21 discovery period is extended from the discovery cutoff date set forth in this
 22 proposed discovery plan and scheduling order, the date for filing dispositive
 23 motions shall be extended to mean not later than 30 days from the subsequent
 24 discovery cutoff date.

25 e. **Pretrial order:**

The joint pretrial order shall be filed by October 20, 2025, which is 30 days after the cutoff date for filing dispositive motions. In the event that dispositive motions are filed, the date for the filing of the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the court. In the further event that the discovery period is extended from the discovery cutoff date set forth in this discovery plan and scheduling order, the date for filing the joint pretrial order shall be extended in accordance with the time period set forth in this paragraph.

f. Trial readiness:

The case should be ready for trial by **October 2025** and is expected to take approximately 10-14 days.

g. Fed. R. Civ. P. 26 (a)(3) Disclosures:

Disclosures required by Fed. R. Civ. P. 26 (a)(3), and any objections thereto, shall be included in the joint pretrial order.

h. Court Conferences:

If the Court has questions regarding the date proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the court.

i. Extensions Or Modifications Of The Discovery Plan And Scheduling Order:

Any stipulation or motion must be made no later than 21 days before the subject deadline. Request to extend discovery deadlines must comply with LR 26-4.

3. **Electronic evidence:** The parties certify that they discussed the presentation of electronic evidence to the jury at trial. At this stage they are unable to ascertain the need for electronic evidence and stipulate to meeting and conferring sixty (60) days in advance of trial to reach an agreement and protocol for such evidence, if needed.

4. Discovery of electronically stored information: The parties have implemented

1 litigation holds and taken other reasonable measures to preserve relevant documents, including
 2 electronically stored information (“ESI”), that are maintained in locations and systems where
 3 such relevant information is likely to be found in accordance with the Rules.

4

5 **5. Consent to Serve by Electronic means through Electronic Mail:**

6 The undersigned consent to service of documents by electronic means via electronic
 7 mail.

8

9 **6. Subjects on which discovery may be made:** The parties envision propounding
 10 written discovery, disclosing policies and procedures pursuant to protective order, conducting
 11 depositions of treating physicians, parties, corporate 30(b)(6) designees, and disclosed experts,
 12 and obtaining all relevant records through use of subpoena. The parties also may conduct further
 13 discovery as may be allowed under the Federal Rules of Civil Procedure relating to the
 14 allegations set forth in Plaintiffs Complaint and Defendants Answer.

15

7. **Changes to limitations on discovery:** None.

16

8. **Discovery of electronically stored information:** The parties have implemented
 17 litigation holds and taken other reasonable measures to preserve relevant documents, including
 18 electronically stored information (“ESI”), that are maintained in locations and systems where
 19 such relevant information is likely to be found in accordance with the Rules.

20

9. **Federal Rule of Civil Procedure 26(a)(3) Disclosures:** All disclosures required
 21 by Federal Rules of Civil Procedure 26(a)(3) and any objections shall be included in the pretrial
 22 order submitted pursuant to Paragraph 3 (e) above. Said disclosures, and any objections thereto,
 23 must be made and implemented into the pretrial order no later than set forth in Paragraph 3 (e).

24

10. **Alternative dispute resolution:** The parties certify that they met and conferred
 25 about the possibility of using alternative dispute resolution processes including mediation,
 26 arbitration and, if applicable, early neutral evaluation. The parties agree that alternative
 27

1 resolution is not feasible at this time, but they will revisit these possibilities in the future.

2 **11. Alternative forms of case disposition:**

3 The parties certify that they considered consent to trial by a magistrate judge under 28
 4 U.S.C. § 636(c) and Federal Rules of Civil Procedure 73 and the use of the Short Trial Program
 5 (General Order 2013-01). The parties agree that a trial by magistrate and the Short Trial Program
 6 are not appropriate for this case.

7 **12. Issues Regarding Claims of Privilege or Protection of Pre-Trial Material:**

8 Plaintiffs and Defendants agreed to act in a manner that protects information entitled
 9 to be kept confidential and to ensure the protection is limited to material entitled to any such
 10 protections. A Stipulation and Order will be submitted with respect to any confidential
 11 information. The parties will work together, where possible, to establish an appropriate scope of
 12 discovery as it relates to privileged communications in Defendants' files.

13 IT IS RESPECTFULLY SUBMITTED.

14 Dated this 27th day of January 2025.

15 PYATT SILVESTRI

16 /s/ Ali R. Iqbal

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 24 *Rolando Torres*

25 Dated this 27th day of January 2025.

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UNITED STATES MAGISTRATE JUDGE
1-29-25



Prepared and submitted by:
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